

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

JEREMY RASKIEWICZ

Petitioner,

vs.

W. SMITH; ATTORNEY GENERAL
OF THE STATE OF MONTANA,

Respondents.

CV 14-125-M-DLC

ORDER

FILED

JUN 30 2014

Clerk, U.S. District Court
District Of Montana
Missoula

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation on May 23, 2014, recommending that the petition be dismissed. Raskiewicz failed to timely object to the Findings and Recommendation, and so waived the right to *de novo* review of the record. 28 U.S.C. § 636(b)(1). The Court will therefore review the record for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court adopts Judge Lynch's findings and recommendation in full.

Raskiewicz moved to proceed in forma pauperis with this action under 28 U.S.C. § 2241. Raskiewicz is a state prisoner proceeding pro se. Because Raskiewicz's allegations were unintelligible, Judge Lynch ordered Respondents to

submit a status report and exhibits showing why Raskiewicz is being held in custody. The State responded May 21, 2014. There is no clear error in Judge Lynch's determination that there is no basis in federal law for habeas relief at this time. A certificate of appealability is not appropriate in this case. *Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003).

IT IS ORDERED that Judge Lynch's Findings and Recommendation (Doc. 9) are ADOPTED IN FULL. Raskiewicz's petition (Doc. 1) is DISMISSED. The Clerk of Court shall enter judgment in favor of Respondents and against Petitioner. A certificate of appealability is DENIED.

DATED this 30th day of June 2014.



Dana L. Christensen
United States District Court